

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARCHIE TINDELL,)	
)	
Plaintiff,)	Civil Action No. 07-1230
)	
v.)	Judge McVerry
)	Magistrate Judge Caiazza
JEFFREY A. BEARD, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Archie Tindell's ("Tindell" or "the Plaintiff") Complaint pursuant to 42 U.S.C. §1983 was removed to this Court by the Defendants from the Court of Common Pleas of Allegheny County on September 12, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on June 4, 2008, recommended that the Motion to Dismiss or for More Definite Statement filed by Defendant Herbik (Doc. 15) be granted, that the Partial Motion to Dismiss filed by the Remaining Defendants (Doc. 23) be granted, and that the Plaintiff's Motions to Amend the Complaint (Doc. 30) and Motion to Remand (Doc. 31) be denied. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First

Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Fayette, located in LaBelle, Pennsylvania. Objections were due on or before June 20, 2008, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 30th day of June, 2008,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Herbig (Doc. 15) is GRANTED; that the Partial Motion to Dismiss filed by the Remaining Defendants (Doc. 23) is GRANTED; and that the Plaintiff's Motions to Amend the Complaint (Doc. 30) and Motion to Remand (Doc. 31) are DENIED. The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 37) and dated June 4, 2008, is adopted as the opinion of the court. All Defendants except Defendant Leggett, Crumb, Ruvo, Caldwell and Kremposky are DISMISSED from this case.

s/Terrence F. McVerry
Terrence F. McVerry
U.S. District Court Judge

cc:

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